

UNITED STATES DISTRICT COURT
DISTRICT OF NEW JERSEY

MISEAL CORDERO,

Plaintiff,

v.

SGT. RHONDA MOUTCASTLE-THOMAS,
et al.,

Defendants.

Civil Action No. 21-18741 (JXN)(JBC)

MEMORANDUM AND ORDER

NEALS, District Judge

Before the Court is *pro se* Plaintiff Miseal Cordero's ("Plaintiff") civil rights complaint ("Complaint"), brought pursuant to 42 U.S.C. § 1983. (ECF No. 1.) The Court previously granted Plaintiff *in forma pauperis* status in this matter. (ECF No. 3). The Court must now review the Complaint pursuant to 28 U.S.C. §§ 1915(e)(2)(B) and 1915A to determine whether it should be dismissed as frivolous or malicious, for failure to state a claim upon which relief may be granted, or because it seeks monetary relief from a defendant who is immune from such relief.

The Court has screened the Complaint in this action for dismissal and has determined that the Complaint states claims under 42 U.S.C. § 1983 for First Amendment retaliation against Sergeant Rhonda Mountcastle-Thomas and Assistant Administrator Cindy Sweeney (collectively "Defendants"). Plaintiff's retaliation claims arise from the Defendants alleged withholding of Plaintiff's word processor materials in retaliation for Plaintiff's filing of grievances, inquiries, and complaints. Dismissal of Plaintiff's § 1983 claims against Defendants is not warranted at this time and the claims shall proceed. *See White v. Napoleon*, 897 F.2d 103, 111–12 (3d Cir. 1990)

(“Retaliation for the exercise of constitutionally protected rights is itself a violation of rights secured by the Constitution....”). Accordingly,

IT IS on this 17th day of March 2022,

ORDERED that Plaintiff’s claims for First Amendment retaliation against Defendants shall **PROCEED**; it is further

ORDERED that the Clerk shall mail to Plaintiff a transmittal letter explaining the procedure for completing United States Marshal (“Marshal”) 285 Forms (“USM-285 Forms”); and it is further

ORDERED that Plaintiff shall complete the form for each Defendant and return them to the Clerk of Court, Martin Luther King Building & U.S. Courthouse, 50 Walnut Street, Newark, NJ 07102; and it is further

ORDERED that upon Plaintiff’s sending of the completed forms to the Clerk of the Court, the Clerk shall issue summons, and the United States Marshall shall serve a copy of the complaint (ECF No. 1), summons, and this Order upon Defendants pursuant to 28 U.S.C. § 1915(d), with all costs of services advanced by the United States; and it is further

ORDERED Defendants shall file and serve a responsive pleading within the time specified by Federal Rule of Civil Procedure 12; and it is further

ORDERED the Clerk of the Court shall serve a copy of this Memorandum Order upon Plaintiff via regular U.S. mail.


JULIEN XAVIER NEALS
United States District Judge